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S.B. CIVIL MISC. APPEAL NO.1458/2007.
Bheru Lal Vs. Bharat Kumar & Ors.

Date of Order :: 23rd July 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.S. Shekhawat, for the appellant.

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BY THE COURT:

Heard learned counsel and perused the award impugned.

The claimant-appellant about 56 years in age, sustained injuries including fracture of right tibia and fibula bones in a vehicular accident. In the claim for compensation made by the appellant, the Tribunal has taken note of the entire evidence available on record and has awarded compensation in the sum of Rs.90,000/- while allowing Rs.32,500/- towards treatment expenditure with reference to the bills produced on record, Rs.2,500/- towards attendants and further Rs.55,000/- towards non-pecuniary loss including loss of amenities of life. The Tribunal has not awarded any amount towards loss of income for the reason that admittedly there has not been any deduction from his salary for the period of absence during treatment period; and that there has not been any reduction in his salary due to the injuries. The considerations adopted by

the Tribunal appear to be just and reasonable and the ultimate award as made by the Tribunal in the sum of Rs.90,000/- together with interest @ 6% per annum from the date of filing of the claim application cannot be said to be too low and grossly inadequate.

Learned counsel appearing for the appellant submits that the Tribunal has not quantified compensation with reference to application of multiplier of 8 as per Second Schedule to the Act. The submission is not well founded. Necessity of such application of multiplier would have arisen only when any amount was considered to be awarded towards loss of income or loss of earning capacity. Such being not the case made out, of any loss of income or earning capacity, there was nothing specific to be computed with application of multiplier. The Tribunal has awarded reasonable amount on other scores. The award in question rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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